

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JERRY MEANS,

Petitioner,

v.

STATE OF WISCONSIN,

Respondent.

ORDER

10-cv-715-bbc

In an order entered in this case on November 18, 2010, I told petitioner that before I could consider his request to proceed in forma pauperis he would have to submit a trust fund account statement covering the six-month period preceding the filing of his petition so that I could assess an initial partial payment of the \$5 filing fee. Petitioner has submitted the requested statement.

In determining whether to allow a prisoner to proceed in forma pauperis, this court uses the following formula. First the court determines petitioner's average monthly deposits and his average monthly balances for the six-month period mentioned above. If 20% of the greater of these two figures is \$5 or more, he will not be eligible for indigent status and will have to prepay all of the \$5 filing fee. If 20% of the greater of these two figures is less than

\$5, he will be required to prepay whatever portion less than \$5 has been calculated.

Applying this formula to petitioner, I find that he is able to pay at least a portion of the filing fee. According to the trust account statement, in the past six months petitioner's average monthly deposits have been \$22.46. (His average monthly balance appears to be less than this amount.) Twenty percent of this figure is \$4.49. Accordingly, I will grant petitioner's application for leave to proceed in forma pauperis on the condition that he prepay \$4.49. Petitioner should show a copy of this order to institution officials to make sure they know they should send petitioner's partial filing fee to this court.

ORDER

IT IS ORDERED that the petition of Jerry Means for leave to proceed in forma pauperis is GRANTED on the condition that he prepay the amount of \$4.49. Petitioner has until December 29, 2010 to pay this amount. If he fails to submit the partial filing fee by December 29, 2010, his petition may be dismissed for failure to prosecute it.

Entered this 6th day of December, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge